

### **REMARKS**

Claims 1-6 were examined and reported in the Office Action. Claims 1 is rejected.  
Claims 1-4 are amended. Claims 1-6 remain.

Applicant requests reconsideration of the application in view of the following remarks.

**I. 35 U.S.C. §102(e)**

It is asserted in the Office Action that claim n1 is rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,123,910 issued to Lucidarme et al. ("Lucidarme").  
Applicant respectfully disagrees.

According to MPEP §2131,

“‘[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.’ (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). ‘The identical invention must be shown in as complete detail as is contained in the ... claim.’ (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).”

Applicant’s amended claim 1 contains the limitations of

balancing a load in a General Packet Radio Service (GPRS) network, the GPRS network including a plurality of Service GPRS Supporting Nodes (SGSNs) connected to a mobile node and a plurality of Gateway GPRS Supporting Nodes (GGSNs) connected to a Public Domain Network (PDN), extracting an Access Point Name (APN) related to a correspondent node from a received Activate PDP Context Request message; and comparing numbers of sessions established with searched GGSNs, respectively, to each other and selecting a GGSN having a smallest number of established sessions by the SGSN, wherein each of the SGSNs selects one of a plurality of GGSNs capable of supporting a APN and then establishes a session from the selected GGSN, the selected GGSN having a smallest number of established sessions.

Lucidarme discloses detecting, monitoring and accessing radio access networks with Radio Access Technologies (RAT's) with mobile terminals and network equipment. Lucidarme, however, does not teach, disclose or suggest Applicant's amended claim 1 limitations of extracting an Access Point Name (APN) related to a correspondent node from a received Activate PDP Context Request message; and comparing numbers of sessions established with searched GGSNs, respectively, to each other and selecting a GGSN having a smallest number of established sessions by the SGSN, wherein each of the SGSNs selects one of a plurality of GGSNs capable of supporting a APN and then establishes a session from the selected GGSN, the selected GGSN having a smallest number of established sessions.

Therefore, since Lucidarme does not disclose, teach or suggest all of Applicant's amended claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Lucidarme. Thus, Applicant's amended claim 1 is not anticipated by Lucidarme.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claim 1 is respectfully requested.

## **II. Allowable Subject Matter**

Applicant notes with appreciation the Examiner's assertion that claims 5-6 have been allowed. Applicant also notes with appreciation the Examiner's assertion that claims 2-4 would be allowable if rewritten in independent form as Lucidarme does not teach or suggest all of Applicant's claim 2 limitations. Applicant notes that Lucidarme does not teach, disclose or suggest Applicant's claim 1 amendments (previously contained in claim 2) of "extracting an Access Point Name (APN) related to a correspondent node from a received Activate PDP Context Request message; and comparing numbers of sessions established with searched GGSNs, respectively, to each other and selecting a GGSN having a smallest number of established sessions by the SGSN." Therefore, Applicant's amended claim 1 is now placed in allowable form.

Applicant respectfully asserts that claims 1-6, as they now stand, are allowable for the reasons given above.

**CONCLUSION**

In view of the foregoing, it is submitted that claims 1-6 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: April 19, 2007

By: 

Steven Laut, Reg. No. 47,736

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

  
Jean Svoboda

Date: April 19, 2007